

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Michael SHEPARD et al.

Title: ENZYME CATAZYED
THERAPEUTIC AGENTS

Appl. No.: 09/782,721

Filing Date: 2/12/2001

Examiner: Crane, Lawrence E.

Art Unit: 1623

Confirmation 5394
Number:



TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Celmed Oncology (USA), Inc., having a principal place of business at 2525 ave. Marie-Curie, Saint-Laurent, Quebec H4S 2E1, Canada, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/782,721, filed 2/12/2001, which is a continuation of U.S. Patent Application No. 09/235,961, filed 1/22/1999, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 10/19/2005, on Reel/Frame 016661/0023, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,495,553, which issued on U.S. Patent Application No. 09/130,839, filed August 7, 1998, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and

recorded on 08/07/1998, on Reel/Frame 009389/0767, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 11/12/2004, on Reel/Frame 015355/0193, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,339,151, which issued on U.S. Patent Application No. 09/235,961, filed 01/22/1999, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 04/27/1999, on Reel/Frame 009921/0521, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 11/12/2004, on Reel/Frame 015355/0193, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,245,750, which issued on U.S. Patent Application No. 09/235,809, filed 01/22/1999, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 03/22/1999, on Reel/Frame 009840/0245, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 11/12/2004, on Reel/Frame 015355/0193, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent Application Serial No. 10/119,927, filed 04/09/2002, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 09/03/2002, on Reel/Frame 013265/0494, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 11/04/2005, on Reel/Frame 016737/0240, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent Application Serial No. 10/681,418, filed 10/07/2003, by virtue of an Assignment from the

inventors to Newbiotics, Inc. filed and recorded on 09/29/2005, on Reel/Frame 016614/0051, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 09/29/2005, on Reel/Frame 016614/0058, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,683,061, which issued on U.S. Patent Application No. 09/856,127, filed 10/10/2001, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 10/10/2001, on Reel/Frame 012291/0920, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 11/17/2004, on Reel/Frame 015370/0136, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent Application Serial No. 09/789,226, filed 02/20/2001, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 02/20/2001, on Reel/Frame 011615/0029 and filed and recorded on 09/29/2005, on Reel/Frame 016649/0362, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 09/19/2005, on Reel/Frame 016551/0745, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent Application Serial No. 11/034,036, filed 01/12/2005, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 11/07/2005, on Reel/Frame 016740/0394, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 12/05/2005, on Reel/Frame 016852/0424, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,138,388, which issued on U.S. Patent Application No. 10/051,320, filed 01/18/2002, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 03/28/2002, on Reel/Frame 012761/0266, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 08/31/2005, on Reel/Frame 016476/0678, in the United States Patent and Trademark Office.

Further, your Petitioner represents that it is the owner of U.S. Patent Application Serial No. 11/516,457, filed 09/05/2006, which is a continuation of U.S. Patent Application No. 10/051,320, filed 01/18/2002, by virtue of an Assignment from the inventors to Newbiotics, Inc. filed and recorded on 03/28/2002, on Reel/Frame 012761/0266, in the United States Patent and Trademark Office. Newbiotics, Inc. subsequently changed its name to Celmed Oncology (USA), Inc. A copy of the change in name was recorded on 08/31/2005, on Reel/Frame 016476/0678, in the United States Patent and Trademark Office.

Your Petitioner, Celmed Oncology (USA), Inc., hereby disclaims the terminal part of the term of any patents issued on the above-identified patent applications which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent Nos. 6,495,553; 6,339,151; 6,245,750; 6,683,061; 7,138,388 and U.S. Patent Application Serial Nos. 10/119,927; 10/681,418; 09/789,226; 11/034,036 and 11/516,457, and hereby agrees that any patents so granted on the above identified patent applications shall be enforceable only for and during such period that the legal title to U.S. Patent Nos. 6,495,553; 6,339,151; 6,245,750; 6,683,061; 7,138,388 and patents granted on U.S. Patent Application Serial Nos. 10/119,927; 10/681,418; 09/789,226; 11/034,036 and 11/516,457 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patents granted on the above identified patent applications and/or issued patents, prior to the full statutory term of U.S. Patent Nos. 6,495,553; 6,339,151; 6,245,750; 6,683,061; 7,138,388 and U.S. Patent Application Serial Nos. 10/119,927; 10/681,418; 09/789,226; 11/034,036 and 11/516,457, as defined in 35 U.S.C. §§154-156 and 173, in the event that the aforementioned applications and patents expire for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent Nos. 6,495,553; 6,339,151; 6,245,750; 6,683,061; 7,138,388 and U.S. Patent Application Serial Nos. 10/119,927; 10/681,418; 09/789,226; 11/034,036 and 11/516,457 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent Nos. 6,495,553; 6,339,151; 6,245,750; 6,683,061; 7,138,388 and patents granted on U.S. Patent Application Serial Nos. 10/119,927; 10/681,418; 09/789,226; 11/034,036 and 11/516,457, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the above-referenced Assignments, and to the best of her knowledge and belief, legal title to the above identified patent application and U.S. Patent Nos.

6,495,553; 6,339,151; 6,245,750; 6,683,061; 7,138,388 and patents granted on U.S. Patent Application Serial Nos. 10/119,927; 10/681,418; 09/789,226; 11/034,036 and 11/516,457 rests with Petitioners, Celmed Oncology (USA), Inc. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date March 3, 2008

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